

156 FERC ¶ 62,105
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Boyce Hydro Power, LLC.

Project No. 2785-091

ORDER CERTIFYING INCREMENTAL HYDROPOWER GENERATION
FOR PRODUCTION TAX CREDIT

(Issued August 5, 2016)

1. On August 2, 2016, Boyce Hydro Power, LLC, licensee for the Sanford Water Power Project No. 2785, filed a request for certification for a renewable energy production tax credit for efficiency improvements. The improvements were from an authorized upgrade of generating Unit 1. The upgraded unit expected on-line operation is August 30, 2016. The licensee made the filing pursuant to Internal Revenue Code section 45.¹ The project is located on the Tittabawassee River in Midland County, Michigan.

2. Section 1301 of the Energy Policy Act of 2005 (EPAAct)² amended section 45 to apply the tax credit to incremental production gains from efficiency improvements or capacity additions to existing hydroelectric facilities placed into service after August 8, 2005, and before January 1, 2017.³ Under EPAAct section 1301(c), the Commission is required to certify the “historic average annual hydropower production” and the “percentage of average annual hydropower production at the facility attributable to the efficiency improvements or additions of capacity” placed in service during that time period. Based on the above, we are issuing this certification order.

¹ I.R.C. § 45 (2000).

² Pub. L. No. 109-58 § 1301, 119 Stat. 594, (2005), Pub. L. No. 109-432 Title II, § 201, 120 Stat. 2922, (2006), Pub. L. No. 110-343, Div. B, Title I, (2008), and Pub. L. No. 111-5, Div. B, Title I, §1101, (2009), and Pub. L. No. 112-240, Title IV, §407, (2013).

³ Section 407 (a)(3)(E) of Pub. L. No. 112-240, amended IRC § 45 (d), paragraph (9), such that an efficiency improvement or addition to capacity shall be treated as placed in service before January 1, 2014, if the construction of such improvement or addition begins before such date. Pub. L. No. 113-295, Div. A, Title I, Subtitle C, §155, extended the deadline to before January 1, 2015. Pub. L. No. 114-113, Div. Q, Title I, Subtitle C, §187, extended the deadline to before January 1, 2017.

The Director orders:

(A) Based on our review of the information provided by the licensee, we certify the following:

Efficiency Improvement	
Type of Improvement	Unit 1 Upgrade
Date of Operation	August 30, 2016
Historical Generation Baseline (kWh)	8,194,281
Generation with Improvements (kWh)	10,120,056
Incremental Generation (kWh)	1,925,775
Percentage of Generation due to Improvements (%)	23.5

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2012), and the Commission's regulations at 18 C.F.R. § 385.713 (2015). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

M. Joseph Fayyad
Environmental & Project Review Branch
Division of Hydropower Administration
and Compliance

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